

REMARKS

Double Patenting Rejection

Claim 31 stands rejected under the judicially created doctrine of obviousness-type double patenting over claim 2 of U.S. Patent No. 5,669,909. The Applicant filed a Terminal Disclaimer with the Response to the final Office Action filed on November 15, 2004 to obviate the double patenting rejection. Accordingly, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Claim Amendments

On November 15, 2004, the Applicant filed a Response to the final Office Action mailed October 4, 2004. The only rejection set forth in the final Office Action related to the judicially created doctrine of obviousness-type double patenting. The Applicant addressed the double patenting rejection via the filing of a Terminal Disclaimer. Subsequently, the Examiner brought two patent references (U.S. Patent Nos. 4,713,003 and 5,571,017) to the undersigned attorney's attention with specific regard to pending independent claims 19, 31 and 32. The Examiner and the undersigned attorney have had telephonic discussions directed to the newly asserted patent references. The Applicant has amended independent claims 19, 31 and 32 as set forth above to improve their form. Additionally, the Applicant has rewritten dependent claims 20 and 34 in independent form, and has amended independent claims 26, 38 and 39 to address an informality. The Applicant submits that pending claims 19-50 are patentable and allowance of the same is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the Applicant's application is now in condition for allowance with pending claims 19-50.

Reconsideration of the subject application is respectfully requested. Timely action towards a Notice of Allowability is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the subject application.

Respectfully submitted,

By: 

Brad A. Schepers
Reg. No. 45,431
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456 voice
(317) 637-7561 facsimile